

### REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-22 are pending in the present application. Claims 1, 4-8, 11-15 and 18-22 are amended, by the present amendment. Amendments to the claims find support in the specification as originally filed at least at page 13, line 26, to page 14, line 15, page 17, line 34, to page 20, line 19, and Figures 5 and 6. Therefore, the amended claims do not include new matter.

In the outstanding Office Action, Claims 1-14 and 22 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,854,981 to Wallstedt et al. (herein "Wallstedt") in view of U.S. Patent No. 6,728,540 to DeSantis et al. (herein "DeSantis"); and Claims 15-21 were rejected under 35 U.S.C. § 103(a) as unpatentable over Wallstedt in view of DeSantis and U.S. Patent 6,289,220 to Spear.

Initially, Applicant and Applicant's representative gratefully acknowledge the courtesy of a personal interview with Applicant's representative and Examiners Perez and Orgad, on February 9, 2005. During the interview, differences between the present invention and references cited in the outstanding Office Action were discussed. In particular, claim amendments were discussed that the Examiners indicated would likely overcome the references cited in the outstanding Office Action. Claim amendments and comments discussed during the interview are reiterated below.

Applicant respectfully traverses the rejection of Claims 1-14 and 22 under 35 U.S.C. § 103(a) as unpatentable over Wallstedt in view of DeSantis with respect to the amended claims.

Amended Claim 1 is directed to an operation data creating method for creating operation data that includes, *inter alia*,

selecting a first base station having a highest communication quality level at each local position in a subset of local positions within the service area, based on the created quality information, said subset of local positions including at least one local position within the service area;  
selecting second base stations having a second highest or subsequent communication quality level which is lower than the highest communication quality level at each local position in the subset of local positions based on the created quality information ; and  
creating the operation data indicating the selected second base stations as other base stations related to the first base station having the highest communication quality level.

Amended independent Claims 8, 15 and 22 include similar features.

In a non-limiting example, Figure 6 shows an operation data creating method that includes creating quality information (e.g., reception level of common control channel) with respect to a base station at each of three local positions (e1), (e2) and (e3) within a service area (a). A base station having a highest communication quality level is selected at each local position in a subset of local positions within the service area (e.g., base station 1 at local positions (e1) and (e3) and base station 2 at local position (e2)). Neighboring zone table C1 is created to correspond to base station 1. Further, entries of table C1 are populated in accordance with local positions where base station 1 has the highest communication quality (i.e., e1, e3). Likewise, neighboring zone C2 is created to correspond to base station 2. Further, entries of table C2 are populated in accordance with local positions where base station 2 has the highest communication quality (i.e., e2).

As discussed during the interview, Wallstedt, and DeSantis among other things, fail to disclose or suggest selecting base stations having a second highest or subsequent communication quality level that is lower than a highest communication quality level at each local position where a same first base station has the highest communication quality level. Wallstedt and DeSantis also fail to teach creating operation data indicating the selected base stations as the other base stations related to the first base station. Hence, Applicant respectfully submits that the combination of Wallstedt and DeSantis does not teach or suggest

“creating the operation data indicating the selected base stations as other base stations related to the first base station having the highest communication quality level,” as recited in amended independent Claim 1, and as similarly recited in amended independent Claims 8, 15 and 22.

Accordingly, Applicant respectfully submits amended independent Claims 1, 8, 15 and 22, and claims depending therefrom, patentably define over Wallstedt and DeSantis.

Further, Applicant respectfully traverses the rejection of Claims 15-21 under 35 U.S.C. § 103(a) as unpatentable over Wallstedt in view of DeSantis and Spear. Applicant submits that amended Claim 15 is believed to patentably define over Wallstedt and DeSantis as discussed above. Further, Applicant respectfully submits that Spear also does not supply the claimed features that are absent from the disclosure of Wallstedt and DeSantis.

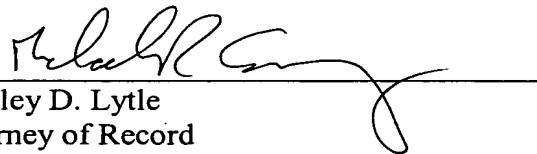
Accordingly, Applicant requests the rejection of Claims 15-21 be withdrawn.

Hence, Applicant respectfully submits that independent Claims 1, 8, 15 and 22, and claims depending therefrom, are allowable.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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